

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Tierra Amarilla

**MOTION BY THE STATE OF NEW MEXICO FOR ORDER MAKING
FINAL DETERMINATION OF IRRIGATION WATER REQUIREMENTS IN
THE RITO DE TIERRA AMARILLA SUBSECTION OF
SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") respectfully requests the Court to enter its Order making a final determination of irrigation water requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System ("Tierra Amarilla Subsection"), and in support of this motion Plaintiff states as follows:

1. Pursuant to the April 21, 2010, *Scheduling and Procedural Order for the Determination of Priority Dates and Irrigation Water Requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System* (Doc. 9687), each individual subfile defendant, the United States and the Commissioners of each Community Ditch in the Tierra Amarilla Subsection were served with the Court's *Notice and Order to Show Cause* in connection with the determination of priority dates and irrigation water requirements in the

Tierra Amarilla Subsection. *See Certificate of Service* filed June 6, 2010 (Doc. 9899). The Court's *Notice and Order to Show Cause* was published as required in the *Rio Grande Sun* once each week for four (4) consecutive weeks, the first publication being on the 3rd day of June, 2010, and the last publication being on the 24th day of June, 2010. *See Proof of Publication of [Corrected] Notice and Order to Show Cause* filed July 27, 2010 (Doc. 9920). Pursuant to the Court's *Notice and Order to Show Cause*, the deadline for the filing of an objection to the State's proposed determination of priority dates and irrigation water requirements in the Tierra Amarilla Subsection was July 31, 2010.

2. On June 7, 2011, the Court entered its *Order Making Final Determination of Priority Dates in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*. (Doc. No. 10153). Filed objections to the State's proposed determination of irrigation water requirements in the Tierra Amarilla Subsection were to be addressed separately and at a later stage of the proceedings. *See Motion for Order Making Final Determination of Priority Dates in the Rita de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System*, at 2 (Doc. 10009, filed March 23, 2011).

3. On June 20, 2014, the Court entered its *Notice and Order* (Doc. 11028) that required defendants in the Tierra Amarilla Subsection that filed objections to the State's proposed irrigation water requirements (the Tierra Amarilla Community Ditch, the Asociación de Acéquias Norteñas de Rio Arriba, and the Chama Valley Independent School District No. 19) to file a statement of claims setting forth the specific irrigation water requirements claimed, and the general factual and legal grounds for those claims. In response to the Court's *Notice and Order*, the Tierra Amarilla Community Ditch, the Asociación de Acéquias Norteñas de Rio Arriba, and the Chama Valley School District filed statements of claims on October 13, 2014 (Docs. 11054,

11055).

4. The Tierra Amarilla Community Ditch, the Asociación de Acéquias Norteñas de Rio Arriba, and the Chama Valley Independent School District No. 19 have now stipulated to the State's original proposals with respect to irrigation water requirements in the Tierra Amarilla Subsection and have withdrawn their objections to those proposals. Stipulations to this effect are attached hereto as Exhibits 1 and 2. The withdrawal of the objections filed by the above-named defendants will resolve all claims of the defendants with respect to the statements of claims filed by those defendants. The stipulation by the Chama Valley Independent School District No. 19 (Ex. 2) also resolves its claims based on the Treaty of Guadalupe Hidalgo filed on August 29, 2014 (Doc. 11048).

5. There are no other objections to the State's proposals with respect to the irrigation water requirements in the Tierra Amarilla Subsection, and the Court should enter an Order making a final determination of those requirements. A proposed form of Order granting this motion is attached hereto as Exhibit 3.

6. The Tierra Amarilla Community Ditch, the Asociación de Acéquias Norteñas de Rio Arriba, and the Chama Valley Independent School District No. 19 do not oppose the granting of this motion.

WHEREFORE, the plaintiff State of New Mexico respectfully requests the Court to enter its Order making a final determination of the irrigation water requirements in the Tierra Amarilla Subsection as proposed in the Order attached hereto as Exhibit 3.

Respectfully submitted,

/s/Ed Newville

ED NEWVILLE

Special Assistant Attorney General

Office of State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102

Telephone: (505) 615-6402

/s/Felicity Strachan

FELICITY STRACHAN

Special Assistant Attorney General

Office of State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102

Telephone: (505) 827-3989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of August, 2017, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/Felicity Strachan

FELICITY STRACHAN